

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARLOS MUNOZ, INDIVIDUALLY, AND ON :  
BEHALF OF ALL OTHERS SIMILARLY :  
SITUATED, :

Plaintiff,

-against-

CHINA EXPERT TECHNOLOGY, INC.; PKF  
NEW YORK, CERTIFIED PUBLIC  
ACCOUNTANTS, A PROFESSIONAL  
CORPORATION; PKF HONG KONG,  
CERTIFIED PUBLIC ACCOUNTANTS; BDO  
MCCABE LO LOMITED, CERTIFIED PUBLIC  
ACCOUNTANTS; BDO SEIDMAN, LLP,

Defendants.  
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ALVIN K. HELLERSTEIN, U.S.D.J.:

**SUMMARY ORDER**

07 Civ. 10531 (AKH)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9/30/09</u>
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On September 29, 2009, the parties appeared before me for oral argument on the motions of defendants BDO Seidman, LLP and PKF New York, Certified Public Accountants, a Professional Corporation, to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6).

For the reasons stated on the record, the motion of Defendant BDO Seidman, LLP is granted with prejudice. The motion of defendant PKF New York, Certified Public Accountants, a Professional Corporation, is granted without prejudice. Plaintiffs have leave to replead their claim against PKF New York, Certified Public Accountants, a Professional Corporation by October 29, 2009.

The Clerk shall mark the motions (Docs. #26 and 40) as terminated.

SO ORDERED.

Dated: September 30, 2009  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge